

BILL ANALYSIS

Senate Research Center
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S.B. 2637
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The increased monetization of social media platforms and the growing network of users has given rise to bot technology, a program to mimic human behaviors and content, aimed at streamlining and maintaining up-to-date information. However, bot technology presents serious, negative implications on user experience and over public knowledge. On social media platforms, bot accounts are capable of mass-producing misinformation, sometimes to millions of users, creating deeply flawed perceptions of serious problems. Given the magnitude of the issue, it is important to hold social media platforms accountable and enforce protection mechanisms for users.

These deceptive tactics gravely endanger public cognizance and democracy. Free speech is a constitutional right to those in the country and state, however automated machines that mimic human behavior impede upon residents' ability to gain access to varied viewpoints and form a well-informed opinion. Automated posts by these accounts can sway public opinion based on erroneous information. While social media platforms have attempted censorship to address the issue, a regulatory framework is better suited to maintain free speech while safeguarding public interest.

S.B. 2637 would require social media platforms to add a disclosure statement on posts made by bot accounts notifying users that the post was made by a bot and may contain misleading information. Additionally, S.B. 2637 would create civil penalties for violations of this rule and allow the Office of the Attorney General (OAG) to investigate possible violations. This would allow for the accurate dissemination of public knowledge while protecting freedom of speech from bad actors.

As proposed, S.B. 2637 amends current law relating to disclosures about certain automated posts on social media platforms and provides a civil penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 120, Business and Commerce Code, by adding Section 120.0521, as follows:

Sec. 120.0521. DISCLOSURE REQUIRED FOR POSTS BY BOTS. (a) Defines "bot account."

(b) Requires a social media platform to publish the disclosure described by Subsection (c) on any content posted on the platform that is known to be posted by a bot account.

(c) Requires that a disclosure required by Subsection (b) include a notice that the content was posted by a bot account and a warning that content posted by a bot account may contain misinformation.

(d) Provides that a social media account that violates this section is liable for a civil penalty in an amount not to exceed \$7,500 for each violation.

(e) Authorizes the attorney general to investigate a complaint alleging a violation of this section. Authorizes the attorney general, if the attorney general determines that a violation has occurred, to bring an action to recover the civil penalty described by Subsection (d).

SECTION 2. Effective date: September 1, 2025.